



ATTORNEY DOCKET NO.: 056291-5062-0

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Date: February 4, 2004

Prior Application No. 09/763,705  
Prior Application Filing Date: February 26, 2001

Prior Group Art Unit: 1624  
Prior Examiner: Rao, Deepak R.

**CONTINUATION PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R.  
§ 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a Continuation patent application under 37 C.F.R. § 1.53(b), of copending prior application No. 09/763,705, filed on February 26, 2001, of:

Inventor(s): Gloria Anne BREault et al.

For: PYRIMIDINE COMPOUNDS

2. The papers enclosed are as follows:

Application of 108 pages including:

<u>92</u>	Page(s) of specification	
<u>15</u>	Page(s) of claims	(13 numbered claims)
<u>1</u>	Page of abstract	

3. Amendments

- ☐ Cancel in this application original claims \_\_\_\_\_ in the enclosed copy of prior application.
- ☐ A Preliminary Amendment is enclosed.

4. Oath or Declaration

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration (4 pages) filed in prior parent application No. 09/763,705 is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:
- ☒ This is a Continuation of copending Application No. 09/763,705, filed February 26, 2001; which is a PCT National Stage of PCT/GB99/02790 filed August 24, 1999.  
Each listed U.S. Patent and/or application is entirely incorporated herein by reference in its entirety.

6. Domestic/International priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 09/763,705	February 26, 2001	(2) PCT/GB99/02790	August 24, 1999
(3)		(4)	

7. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed
GB	9818989.7	August 29, 1998
GB	9828433.4	December 24, 1998

Certified copy(ies): ☐ is/are attached.  
☐ will follow.  
☒ was/were filed in prior U.S. Application No. 09/763,705 filed on February 26, 2001.

8. Assignment

- ☒ Prior application No. 09/763,705 is assigned of record to ASTRAZENECA AB on February 26, 2001, at Reel/Frame 011748/0973.
- ☐ An Assignment of the invention and Form 1595, Recordation Form Cover Sheet, is enclosed.

9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION (including Preliminary Amendment)						
	Number Filed After Preliminary Amendment		Number Extra	Present Extra	at Rate of	Basic Fee Utility <b>\$770.00</b>
Total Claims (37 C.F.R. §1.16(c))		minus	20	0	x \$18.00 each=	Total Fees \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))		minus	3	0	x \$86 each=	\$ 0.00
<input type="checkbox"/> First presentation of Multiple Dependent Claim(s)					290.00	\$ 00.00
<input type="checkbox"/> Assignment Recording Fee						\$ 0.00
TOTAL FEE =						\$ 0.00

10. Small Entity Status is claimed and

- ☐ a statement claiming small entity status is enclosed, or
- ☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at **Customer Number: 09629**

12. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address, and registration no.)

13. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449

14. ☒ **PETITION FOR EXTENSION OF TIME**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/763,705, filed February 26, 2001, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

15. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

16. Fee Payment

- ☒ **Not Enclosed.**
- ☒ No Fee is being paid at this time.
- ☐ The Commissioner is hereby authorized to charge any deficiency in the fee or to credit any overpayment to Deposit Account No. 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: February 4, 2004  
Morgan Lewis & Bockius LLP  
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